

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ENERRA CORPORATION

Plaintiff,

vs.

CONTI GROUP, LLC, PLASTIKGAS,
LLC, ROBERTO CONTI, JULIE CONTI,
and ROBERT JORDAN CONTI

Defendants.

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CAUSE NO. 3:23-cv-00194-L

**THIRD-PARTY DEFENDANTS' UNOPPOSED MOTION TO
WITHDRAW PREVIOUSLY-FILED MOTION TO DISMISS**

Third-Party Defendants Sergio Perez, Mark Mills, and Michael Brown (the “Third-Party Defendants”) file this Unopposed Motion to Withdraw Previously-Filed Motion to Dismiss and move to withdraw their previously-filed Motion to Dismiss for Lack of Personal Jurisdiction Pursuant to FRCP 12(b)(2), filed on March 24, 2023 (Dkt. 28). In support of this motion, Third-Party Defendants state the following:

1. On March 24, 2023, Third-Party Defendants filed a Motion to Dismiss for Lack of Personal Jurisdiction Pursuant to Federal Rule of Civil Procedure 12(b)(2) (Docket Entry No. 28) based on lack of personal jurisdiction on the claims asserted against them by Counter-Plaintiff Conti Group, LLC.

2. In order to expedite this matter, streamline the discovery process, and to avoid the incurrence of additional and potentially duplicative legal fees, Third-Party Defendants have

determined that it is in their best interest to withdraw their objection to personal jurisdiction, and to no longer pursue the previously filed Motion to Dismiss (Dkt. 28).

3. Third-Party Defendants do not request any stay or delay of proceedings, and this withdrawal will not impact any presently-scheduled events or court-ordered deadlines in the court's Scheduling Order (Dkt. 33). This motion is in good faith, is not for purposes of delay, and will not result in unfair prejudice.

4. Upon the granting of this Motion to Withdraw, Third-Party Defendants request that they have a period of fourteen (14) days from the entry of an Order granting this Motion in which to file an Answer in this matter.

5. After conferring with counsel, Counter-Plaintiff Conti Group, LLC has no objection to the Motion to Withdraw and has no objection to Third-Party Defendants' request for fourteen (14) days to answer the complaint.

WHEREFORE, PREMISES CONSIDERED, Third-Party Defendants Michael Brown, Mark Mills, and Sergio Perez respectfully request that this Court enter an Order allowing Third-Party Defendants to withdraw the previously filed Motion to Dismiss (Dkt. 28) and to permit Third-Party Defendants a period of fourteen days from the entry of such Order in which to file an Answer in this matter.

Respectfully submitted,

COBB MARTINEZ WOODWARD PLLC

By /s/ Jeff Nicodemus

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**ATTORNEYS FOR THIRD-PARTY
DEFENDANTS SERGIO PEREZ,
MICHAEL BROWN, AND MARK MILLS**

CERTIFICATE OF SERVICE

The undersigned certifies that on November 17, 2023, a true and correct copy of the foregoing document was served upon all counsel of record in accordance with the Federal Rules of Civil Procedure.

/s/ Jeff Nicodemus

JEFFREY I. NICODEMUS

CERTIFICATE OF CONFERENCE

Prior to filing this motion, undersigned counsel for Third-Party Defendants contacted counsel for Counter-Plaintiff Conti Group, LLC regarding the issues raised herein. Counter-Plaintiff does not oppose this motion or object to any of the relief requested herein.

/s/ Jeff Nicodemus

JEFFREY I. NICODEMUS